



- 13.3** **AWARD OF CONTRACT OF PANEL OF SUPPLIERS GENERAL CIVIL WORKS AND ASPHALTING SERVICES**
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DANIEL GRIGSON, SENIOR INFRASTRUCTURE PROJECT MANAGER

1. PURPOSE

- 1.1 To advise Council of the result from Public Tender 000105 - General Civil Works and Asphaltting Services – Panel of Suppliers.
- 1.2 To seek Council's approval to award contracts to six (6) recommended tenderers under RFT000105.

2. EXECUTIVE SUMMARY

- 2.1 After an internal review of Council's capital delivery processes, officers recommended the establishment of panels of suppliers for both trade and professional services.
- 2.2 Officers agreed during preliminary review that the preferred number of service suppliers for both panels was to be three (3) each. This will ensure appropriate distribution of works, competitive pricing and resource availability.
- 2.3 Public Tender 000105 was advised on 28 August 2021 and closed on 24 September 2021. The tender was divided into two separate service categories:
 - a) Part A – General Civil Works; and
 - b) Part B - Asphaltting Services.
- 2.4 The Part A services include, but are not limited to:
 - a) excavation and construction for road and footpath pavements;
 - b) excavation, supply and construction of stormwater drainage;
 - c) supply an installation of kerb and channel; and
 - d) supply and construction of pits and raingardens.
- 2.5 The Part B services include, but are not limited to:
 - a) supply preparation and placement of asphalt for road services;
 - b) supply, preparation and placement of asphalt for footpaths and road surfaces; and
 - c) supply, preparation and installation of line marking.
- 2.6 The intention of inviting submissions via public tender was to appoint a panel of contractors for both Part A and Part B. The proposed contracts have an initial term of four (4) years with the option of two (2) further two (2) year terms, meaning a potential total contract term of eight (8) years. Prospective tenderers were invited to bid for:
 - a) all of Part A;



- b) all of Part B; or
 - c) all of Parts A and Part B.
- 2.7 Based on current financial projections and available data, the estimated expenditure for Part A – General Civil Works, over the potential life of the eight (8) year contract is \$29,435,097
- 2.8 Based on current financial projections and asset management data, the estimated expenditure for Part B – Asphaltting Services, over the potential life of the eight (8) year contract is \$26,504,020
- 2.9 Appointment to both the General Civil Works Panel and Asphaltting Services Panel will not guarantee any successful tenderer any volume or value of works at any time.
- 2.10 The public tender process will still be utilised by officers where appropriate for specific civil works projects. For example, for projects requiring specialised services.
- 2.11 The tenderers were requested to submit on a schedule of rates basis. There is no lump sum component and the amount paid to each successful tenderer will be dependent on a range of factors, including, but not limited to, cost of scoped works, contractor availability, and complexity of scope.
- 2.12 The specification provided that the rates submitted are to be indexed annually in accordance with the ABS Producer Price Index

3. RECOMMENDATION

That Council:

- 3.1 Award contracts for **Part A – General Civil Works** based on the rates submitted, commencing on 1 January 2022, for an initial contract term of four (4) years with potential extensions of two (2) x two (2) year terms to:
- a) Fulton Hogan Pty Ltd
 - b) TDL Contractors Pty Ltd.
- 3.2 Award a contract for **Part A – General Civil Works** based on the rates submitted, to Presta and Sons Pty Ltd subject to:
- a) the company obtaining OH&S third party accreditation in accordance with the Conditions of Tender in relation to occupational health and safety; and
 - b) if required, the contract commencement date being adjusted accordingly.
- 3.3 Note that although no funding is guaranteed to any recommended tenderer, the projected expenditure of this contract is \$29,435,097 over the full eight-year term including extensions (exclusive of GST).
- 3.4 Award contracts for **Part B – Asphaltting Services** based on the rates submitted, commencing on 1 January 2022, for an initial contract term of four (4) years with potential extensions of two (2) x two (2) year terms to:
- a) Boral Resources (Vic) Pty Ltd
 - b) Fulton Hogan Pty Ltd
 - c) RABS Paving Services Pty Ltd.
- 3.5 Note that although no funds are guaranteed to any recommended tenderer, the projected expenditure of this contract is \$26,504,020 over the full eight-year term including extensions (exclusive of GST).



4. KEY POINTS / ISSUES

- 4.1 In July 2021, Council officers undertook an internal review of Council’s annual capital infrastructure delivery program to identify opportunities for improvement. The purpose of the review was to identify greater ways to support Council in delivering infrastructure projects more efficiently and with increased oversight of contractor engagements.
- 4.2 The review recommended Council establish various panels of suppliers for both trade services and professional services. The recommendation was based on the following predicted outcomes:
- a) increased service capacity annually;
 - b) reduced resourcing allocation and cost required to engage contractors;
 - c) pre-qualified contractors to meet required licensing and insurance requirements; and
 - d) improved data to support strategic decisions for future years programs
- 4.3 The tendering process has been conducted in accordance with the provisions of the *Local Government Act 2020* (LGA 2020) and Council’s *Procurement Policy*. The tenders were advertised on 28 August 2021 and closed on 24 September 2021.
- 4.4 Prior to the advertising, the evaluation criteria and weightings were determined and the tender evaluation panel (TEP) appointed. The TEP membership is shown in *Table 1*.

Table 1 – Tender Panel Members	
Name	Position
Tim Brown	Procurement Advisor (TEP Chairperson)
Atilio Numa	Coordinator Civil Infrastructure Projects (TEP Member)
Daniel Grigson	Senior Infrastructure Project Manager (TEP Member)
Arran Maclean	Asset Portfolio Planner – Public Space (TEP Member)

- 4.5 All TEP members signed the standard form indicating they had no conflict of interest and would keep the tender information confidential.
- 4.6 The evaluation criteria and weightings were as shown in *Table 2*.

Table 2 - Description	Criteria
Mandatory Filter Criteria: <ul style="list-style-type: none"> • An Occupational Health and Safety (OHS) Management System in accordance with ISO 45001 (OHS) • Insurance Certificates of Currency: <ol style="list-style-type: none"> a) \$20M Public Liability Insurance b) \$10M Professional Indemnity Insurance 	Pass / Fail
Criteria Weightings	
Criteria	Weighting
Price:	45%



Capacity / Methodology	15%
Relevant Experience	15%
Corporate Social Responsibility	15%
Quality Management System	5%
Occupational Health and Safety	5%
Total	100% (1000 Points)

- 4.7 Twenty (20) submissions were received by the specified closing time.
- 4.8 Of the tenders received, several were deemed to be non-conforming for one or more of the following reasons:
- failure to comply with the mandatory criteria;
 - non-submission of rates; and
 - requests for alternate conditions of contract.
- 4.9 Below is a summary of the twenty (20) received submissions:
- Part A – 10 total submissions**
- Five (5) considered to be conforming
 - Two (2) considered non-conforming due to no third-party OH&S certification
 - Three (3) considered non-conforming due to missing schedule responses
- 4.10 It was determined that two (2) of the five (5) conforming submissions were disproportionately and significantly more expensive than the other three (3) conforming submissions. Accordingly, the two (2) submissions were not considered for shortlisting and further evaluation.
- 4.11 To ensure appropriate evaluation and value for money was achieved through the evaluation process, the TEP requested probity advice from Pitcher Partners regarding the two (2) non-conforming submissions that did not have third-party OH&S certification.
- 4.12 Following probity advice from Pitcher Partners, the TEP evaluated the two (2) submissions that did not pass the filter criteria, on the basis that they could be requested to obtain the required third party OH&S certification if they were to be successful through the tender process. Of these two tenderers, Presta and Sons Pty scored well and provided written confirmation that they would seek accreditation.
- 4.13 Part B – 10 total submissions**
- Six (6) considered to be conforming
 - Four (4) considered to be non-conforming due to missing schedule responses
- 4.14 The TEP met on several occasions and scored the tenders (out of 1,000) as shown in *Tables 3 and 4*.
- 4.15 The initial price scoring was conducted by giving the lowest priced tenderer a score of 450 with the other tenderers' prices scored in proportion to the lowest priced tenderer.



- 4.16 The initial non-price criteria were scored using a rating from zero (not acceptable) to ten outstanding).
- 4.17 Following the TEP's initial scoring, a shortlist of tenderers was established, and representatives of those tenderers invited for interview.

PART A – GENERAL CIVIL WORKS

Table 3 - Weighted Score (Pre-Clarification)			
Tenderer	Score (Out of 1000)	Shortlisted	Interviewed
Fulton Hogan Industries Pty Ltd	895	Yes	Yes
TDL Contractor Pty Ltd	840	Yes	Yes
Presta and Sons Pty Ltd	752	Yes	Yes
Tenderer 6	735	Yes	Yes
Tenderer 5	679	Yes	No

PART B – ASPHALTING SERVICES

Table 4 - Weighted Score (Pre-Clarification)			
Tenderer:	Score (Out of 1000)	Shortlisted	Interviewed
Boral Resources (Vic) Pty Ltd	920	Yes	Yes
Fulton Hogan Industries Pty Ltd	875	Yes	Yes
RABS Paving Services Pty Ltd	817	Yes	Yes
Tenderer 2	793	Yes	Yes
Tenderer 3	690	No	No
Tenderer 5	655	No	No

- 4.18 As described above, the TEP determined that due to the pricing component of the evaluation criteria, submissions that would not provide sufficient value for money were not invited to be interviewed.
- 4.19 The interviews were conducted on 18, 19 and 20 October 2021.
- 4.20 Upon the completion of the interviews, the TEP reconvened to reassess the initial scoring provided for each submission. A summary of all changes has been provided in Table 5.

Table 5 – Part A – General Civil Works			
Tenderer	Initial Score	Revised Score	Comment
Fulton Hogan Industries Pty Ltd	895	899	Minor adjustment of scoring after clarification sought during interview.
TDL Contractor Pty Ltd	840	840	No change to scoring.



Presta and Sons Pty Ltd	752	752	No change to scoring.
Tenderer 6	735	685	The tenderer provided vague responses to the interview questions and failed to demonstrate the required levels of understanding of requested services.

- 4.21 There were no adjustments made to any tenderer in Part B of the tender evaluation. The prospective tenderer's responses to the TEP questions were consistent with the documentation provided as part of their submission.
- 4.22 As a result of the interviews, amendments were made to the scoring, shown in Tables 6 and 7.

Part A – General Civil Works

Table 6 – Weighted Score (Post Clarifications)	
Tenderer's Name	Score
Fulton Hogan Industries Pty Ltd	899
TDL Contractor Pty Ltd	840
Presta and Sons Pty Ltd	752
Tenderer 6	685
Tenderer 5	679

Part B – Asphaltting Services

Table 7 – Weighted Score (Post Clarifications)	
Tenderer's Name	Score
Boral Resources (Vic) Pty Ltd	920
Fulton Hogan Industries Pty Ltd	875
RABS Paving Services Pty Ltd	817
Tenderer 2	793
Tenderer 3	690
Tenderer 5	655

- 4.23 A financial sustainability check of the recommended tenderers was conducted through the Illion Tenderlink Commercial portal. The report indicated that the tenderers have a low risk of failure in the next twelve months.
- 4.24 Referee checking were conducted by Council staff for all preferred tenderers and the responses were positive with no issues of concern. All references have been outlined in Table 8 and 9.



Table 8 – Part A – General Civil	
Tenderer	References
Fulton Hogan Industries Pty Ltd	<ul style="list-style-type: none"> • Civil Infrastructure Service Manager – Frankston City Council • Senior Civil Inspector – Engineering Services – City of Greater Geelong
TDL Contractor Pty Ltd	<ul style="list-style-type: none"> • Engineering Surveillance Coordinator – Brimbank City Council • Engineering Senior Coordinator – Maribyrnong City Council
Presta and Sons Pty Ltd	<ul style="list-style-type: none"> • Engineering Surveillance Coordinator – Brimbank City Council • Engineering Senior Coordinator – Maribyrnong City Council

Table 9 – Part B – Asphaltting Services	
Tenderer	References
Boral Resources (Vic) Pty Ltd	<ul style="list-style-type: none"> • Project Engineer – Cardinia Shire Council • Team Leader Construction – City of Whittlesea
Fulton Hogan Industries Pty Ltd	<ul style="list-style-type: none"> • Civil Infrastructure Service Manager – Frankston City Council • Senior Civil Inspector – Engineering Services – City of Greater Geelong
RABS Paving Services Pty Ltd	<ul style="list-style-type: none"> • Team Leader Civil Projects – Hobsons Bay City Council • Coordinator Construction – Knox City Council

4.25 Reference checks found that reference provided for all recommended tenderers was consistent with the scoring and opinion of the TEP. A summary of the reference's provided are below:

- a) currently undertakes, and has undertaken, a broad range of service delivery contracts for a range of local and state government agencies of comparable or greater size
- b) has required capacity and knowledge for delivery of service with no major concerns or incidents raised by referees
- c) is responsive to programming, coordinating and site-specific requirements of each client referenced encompassing programmed works as part of a panel of supply.
- d) manages OHS to a high standard, both at an organisation and job-specific level, including the tracking and delivery of staff training to ensure skills and awareness.
- e) has multiple examples from clients of successful works in complex and live environments including occupied public space, the road reserve and in undertaking coordination with multiple stakeholders
- f) are reliable and transparent regarding program delivery including regular tracking and reporting of progress against agreed metrics

4.26 Accordingly, the TEP recommend the most suitable panel of suppliers to provide civil infrastructure services are:



Part A – General Civil Works – Panel of Suppliers

- a) Fulton Hogan Industries Pty Ltd;
- b) TDL Contractor Pty Ltd; and
- c) Presta and Sons Pty Ltd.

Part B – Asphaltting Services – Panel of Suppliers

- a) Boral Resources (Vic) Pty Ltd;
- b) Fulton Hogan Industries Pty Ltd; and
- c) RABS Paving Services Pty Ltd.

Capacity and Methodology

4.27 The recommended tenderers rating and evaluation is underpinned by the following observations:

- a) recommended tenderers detailed a sound understanding of the various works requirements and their ability to address issues surrounding works including minimising disruption to the public and stakeholders;
- b) recommended tenderers provided details of subcontractors and head contract staff to be engaged in the works, along with their experience on projects and panel arrangements of a similar nature;
- c) recommended tenderers provided details of their proven ability to tailor the sequence of activities to ensure the desired outcomes relating to quality, time and budget for civil infrastructure works; and
- d) recommended tenderers provided evidence of suitable in-house plant and equipment to deliver required scope of works.

Relevant Experience

4.28 The recommended tenderers rating scores and evaluation is underpinned by the following observations:

- a) recommended tenderers provided details of their previous experience and track record of construction projects of a similar scope and nature, including information regarding their ability to meet client expectations of quality workmanship, time and budget;
- b) recommended tenderers provided details of their previous and current engagements with both councils and the state government under similar panel arrangements to the one being proposed; and
- c) recommended tenderers provided details of extensive experiences in working in populated areas similar to Port Phillip.

Occupational Health and Safety Systems

4.29 The recommended tenderers' rating and evaluation is underpinned by the following observations:

- a) recommended tenderers provided details of internal systems and evidence of independently certified under ISO14001 (apart from Presta and Sons Pty Ltd);



- b) Presta and Sons Pty Ltd provided sound understanding and management of OH&S risks and process. The tenderer also provided written assurance of obtaining independent third-party accreditation as a condition of their appointment to the panel of suppliers;
- c) The TEP, in undertaking the evaluation, agreed that Presta and Sons Pty Ltd have the necessary resources and understanding to manage safety effectively. The tenderer currently holds the accreditation under the Civil Contractors Federation Construction Management Code - Issue 10: 2018. This code incorporates components of OHS Management and is closely aligned to the requirements in the specified ISO accreditation; and
- d) recommended tenderers provided detailed OH&S documentation, including policies, training matrix's and job-specific safety documentation as part of their tender submission.

Financial Evaluation

4.30 Financial sustainability reports were obtained and identified that the recommended contractors:

- a) Obtained a pass score on the check
- b) Has minimal risk of failure or late payment
- c) Has a level of annual revenue that indicates that the proposed contract is within their capacity and risk-based thresholds

5. CONSULTATION AND STAKEHOLDERS

5.1 Relevant Council departments were consulted in the preparation of the specifications, Procurement Plan and the TEP's Evaluation Plan.

5.2 Pitcher Partners were appointed as probity advisers to oversee the tendering process.

6. LEGAL AND RISK IMPLICATIONS

6.1 The recommended tenderers hold:

- a) public liability of 20M;
- b) professional indemnity insurance of 10M; and
- c) WorkCover Insurance

6.2 The tendering process was conducted according to the provisions of the LGA 2020 and Council's *Procurement Policy* and was overseen by Pitcher Partners. There are no obvious legal or risk implications and being panel contracts, the proposed contractors are not guaranteed any projects/works of any volume or value.

7. FINANCIAL IMPACT

7.1 For services outlined in Part A of the proposed contract, the estimated expenditure over the potential eight (8) year contract term is \$29,435,097.

7.2 For services outlined in Part B of the proposed contract, the estimated expenditure over the potential eight (8) year contract term is \$26,504,020

7.3 Any works allocated to recommended contractors via this panel arrangement will be funded by a project budget allocated under the capital delivery program.



- 7.4 Officers note that the estimated expenditure is projected utilising the current ten (10) year financial plan.
- 7.5 Appointment to both the General Civil Works Panel and Asphaltting Services Panel will not guarantee any successful tenderer any volume or value of works at any time.

8. ENVIRONMENTAL IMPACT

- 8.1 Contractors are required under the contract to submit a detailed environmental management plan (EMP) as part of each works contract. This will be required to be approved by Council each time with the recommended tenderers nominating an environmental representative to ensure effective management of, but not limited to, forms of pollution, waste management and protection of habitat for each works contract.
- 8.2 As part of the returnable schedules, prospective tenderers were required to provide supply rates for the supply and installation of sustainable alternative products utilised in civil construction. This will support Council officers when undertaking estimation processes during project scope development, with the intention of increasing the integration of sustainable products in the capital delivery program.
- 8.3 Four (4) of the five (5) recommended tenderers are accredited to ISO14001 Environmental Management System (“EMS”).
- 8.4 Although not mandatory under the tender submission, officers will recommend to the fifth tenderer that the company obtain an accredited to ISO14001 Environmental Management System (“EMS”) during the contract term.
- 8.5 Environmental aspects were the subject of a questionnaire in the Conditions of Tender and were a component of the weighted scoring. All of the recommended tenderers addressed the key issues to varying degrees, with responses including, but not limited to:
 - a) relevant certifications;
 - b) relevant policies;
 - c) reduction of waste;
 - d) water conservation;
 - e) reducing greenhouse gas emissions;
 - f) biodiversity enhancement;
 - g) recycling; and
 - h) use of asphalt composed recycled and sustainable materials.

9. COMMUNITY IMPACT

- 9.1 Improved delivery of new, upgrade and renewal work to Council assets is essential from a community expectation and financial point of view and is in accordance with Council’s *Asset Management Policy*.
- 9.2 The recommended tenderers, at varying degrees, provided initiatives and commitments that align with Council’s commitment to corporate social responsibility. Key examples include, but are not limited to:



- 9.3 Fulton Hogan is a founding member of Supply Nation, established in 2009 to connect members of Australia's leading brands and government with Indigenous businesses across the country. Supply Nation's aim is to ensure that small to medium sized Indigenous businesses have the opportunity to be integrated into the supply chains of Australian companies and Government agencies
- 9.4 On 1 January 2021, Fulton Hogan commenced the industry's first Power Purchase Agreement in Victoria as part of the second Melbourne Renewable Energy Project (MREP2), together with several prominent Melbourne businesses and universities.
- This results in Fulton Hogan purchasing 100% of its electricity in Victoria from renewable resources. Fulton Hogan's quarries, asphalt plants, offices and depots are all part of this agreement allowing for a carbon neutral electricity supply throughout our internal supply chain. This initiative will save in the order of 6,000 - 7,000t CO2 being emitted into the atmosphere every year.
- 9.5 Fulton Hogan utilise PlastiPhalt®, a proprietary asphalt product developed and manufactured by the company. Council utilised this product during asphaltting works in Mozart St, St Kilda in 2019, saving the equivalent of approximately 280,000 plastic bags from landfill.
- 9.6 This available material provides Council greater support in delivering sustainable products during capital delivery and overall support in Council's *Act and Adapt Strategy 2018-28*.
- 9.7 Boral has set the most ambitious carbon emissions targets in the global construction materials industry and has joined the Science Based Targets initiative (SBTi) Business Ambition for 1.5°C and UNFCCC Race to Zero. The new carbon reduction targets mean Boral is committed to net zero carbon emissions by no later than 2050, aligned with the most ambitious aim of the Paris Agreement to limit global warming to 1.5°C.
- 9.7.1 Boral's 2030 targets, which it will submit for validation by SBTi, are:
- 46 per cent reduction in absolute Scope 1 and 2 emissions, and
 - 22 per cent reduction in relevant Scope 3 emissions per tonne of cementitious materials from a 2019 baseline.
- 9.8 RABS Paving Services utilise the training services of ECB Training, a leading Indigenous owned Registered Training Organisation specialising in the Oil & Gas, Civil Construction and Mining Industries. Further RABS source uniforms & office stationery from Panku Safety.
- 9.9 TDL Contractors employs waste minimisation strategies on all projects which includes the recycling of all demolished concrete, asphalt and masonry. Where possible, TDL Contractors takes spoil to be reused as clean fill or to a soil recycler to repurpose.
- 9.10 Presta and Sons maintain accordance the Euro 5 Emission Standards as a minimum for all of their internal fleet. Further, Presta and Sons utilise localised procurement, supply chain processes and aim to reduce energy consumption by using warm-mix during construction works wherever possible.
- 9.11 Officers, upon contract award, will work in collaboration with all recommended tenderers to increase community and social outcomes over the life of the contract. Officers will work with tenderers to establish localised community and social objectives, reporting mechanisms and promotion of further sustainability and community initiatives.



9.12 Tenderer performance and realisation of community outcomes will be tracked and managed through ongoing contract management processes.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The appointment of the recommended tenderers will support Council in its delivery of key initiatives of the Council Plan 2021-2031, including:

10.2 Direction 5 – Well Governed Port Phillip

- a) improved procurement and contract management practices to deliver best value and embed corporate social responsibility outcomes; and
- b) investment to improve the condition, functionality, capacity and sustainability of community assets to achieve best value for our community, protect them for future generations and ensure asset management requirements of the LGA 2020 are achieved.

10.3 Direction 2 – We are connected and it's easy to move around.

10.3.1 An integrated transport network that connects people and places:

- a) improving connectivity, safety and amenity of walking and biking networks.
- b) ongoing program of renewals and improvements to laneways, roads, footpaths and signage.

10.3.2 Our streets and places are designed for people

- a) Prioritising walking, bike riding and public transport when designing roads and allocating resources.
- b) Pursuing universal accessibility for people with disabilities, children and older people

10.4 Direction 3 - We have smart solutions for a sustainable future

10.4.1 A city with lower carbon emissions.

- a) Reducing Council energy consumption and greenhouse emissions.
- b) Facilitating a reduction in community greenhouse gas emissions by partnering with the community and private sector.
- c) Promoting sustainable and low energy precinct infrastructure, including in Fishermans Bend.
- d) Embed sustainability into Council's procurement, fleet and investment policies and practices and investigation opportunities to install electric car charging stations.

10.5 Direction 4 – We are growing and keeping our character.

10.5.1 Liveability in a high-density City

- a) Designing, activating and managing public spaces that are safe and inviting places for people to enjoy.
- b) Extending, connecting and diversifying our open space network to cater for increased demand.



- c) Invest in improving parks, playgrounds and street and public space lighting.
- d) Continue to maintain a high standard of amenity, ensure compliance with planning requirements and local laws, and support public health and safety through service improvements and mobile technologies

11. IMPLEMENTATION STRATEGY

- 11.1 The proposed contracts will commence on 1 January 2022, or in the case of Presta, a date to be fixed. Prior to that the successful tenderers will be advised and requested to execute a formal contract.
- 11.2 Unsuccessful tenderers will be advised of the outcome of the tendering process and will be offered the opportunity to debrief with officers.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS **Nil**